



UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA

DIVISIONAL OFFICES

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LARRY W. PROPES
CLERK OF COURT

OFFICE OF THE CLERK
901 RICHLAND STREET
COLUMBIA, SOUTH CAROLINA 29201-2431
(803) 765-5816 FAX (803) 765-5960

FILED
CLERKS OFFICE
2004 SEP 22 A 10:20

September 15, 2004

U.S. DISTRICT COURT
DISTRICT OF MASS.

Honorable Tony Anastas
Clerk of Court
United States District Court for the
District of Massachusetts
1 Courthouse Way, Suite 2300
Boston, MA 02210

Re: Transfer Order C/A 3:04-1792-22
Powers Printing Co., Inc. v. AGFA Corp. and XPEDIX

04-12041-REK

MAGISTRATE JUDGE *RBC*

Dear Mr. Anastas:

Pursuant to an order entered September 7, 2004, by the Honorable Cameron McGowan Currie, United States District Judge for the District of South Carolina, this case has been transferred to your court. Enclosed is the entire file, and certified copies of the transfer order and docket sheet.

Please confirm your receipt of same by signing and returning the enclosed copy of this letter in the envelope provided. If you need anything further, please give me a call.

Sincerely,

LARRY W. PROPES, Clerk

Wendy Pearson

Wendy Pearson, Deputy Clerk
(803) 253-3491

Enclosures

cc: Honorable Cameron McGowan Currie
U. S. District Judge

all counsel of record

FILED
IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

COLUMBIA DIVISION
DISTRICT OF

Civil Action No. 3:04-CV-1792-22

Powers Printing Company, Inc.,

Plaintiff,

vs.

AGFA Corporation and XPEDX,

Defendants.

**DEFENDANT AGFA
CORPORATION'S MOTION TO
TRANSFER VENUE**

Defendant AGFA Corporation ("AGFA"), by and through its undersigned counsel, hereby moves the Court for an Order to transfer venue in this case from the United States District Court for the District of South Carolina, Columbia Division, to the United States District Court

Eod 9/8/04

FILED

SEP 07 2004

ORDER

LARRY W. PROPES, CLERK
COLUMBIA, S.C.

Defendant AGFA Corporation's motion to transfer venue to the United States District Court for the Eastern District of Massachusetts is granted based on the exclusive jurisdiction clause contained in the Hardware System Maintenance and Software Support Agreement.

September 7, 2004
Columbia, SC

Cameron McGowan Currie
Cameron McGowan Currie
United States District Judge

A TRUE COPY

Attest: Larry W. Propes

By: *[Signature]*
DEPUTY CLERK

25

U.S. District Court
District of South Carolina (Columbia)

CIVIL DOCKET FOR CASE #: 04-CV-1792

FILED
IN CLERKS OFFICE

CLOSED

2004 SEP 22 A 10:20

U.S. DISTRICT COURT
DISTRICT OF MASS.

Filed: 06/07/04

Powers Printing Co v. AGFA Corporation, et al
Assigned to: Judge Cameron M Currie
Demand: \$0,000
Lead Docket: None
Dkt # in Richland County : is 04-CP-40-2264

Jury demand: Both
Nature of Suit: 190
Jurisdiction: Diversity

Cause: 28:1441 Notice of Removal-Breach of Contract

POWERS PRINTING COMPANY INC
plaintiff

Robert Covington Kelly
[COR LD NTC]
PO Box 7037
Columbia, SC 29202
803-253-3615

Edwin Russell Jeter
803-765-0619
[COR LD NTC]
Jeter and Williams
PO Box 7425
Columbia, SC 29202
803-765-0600

v.

AGFA CORPORATION
defendant

Angus H Macaulay, Jr
803-253-8277
[COR LD NTC]
Jamie Hedgepath
803-253-8277
[COR LD NTC]
Nexsen Pruet Jacobs and Pollard
PO Drawer 2426
Columbia, SC 29202
803-771-8900

XPEDX
defendant

Christopher James Daniels
803-256-7500
[COR LD NTC]
Anthony C Hayes
803-256-7500
[COR LD NTC]
Nelson Mullins Riley and
Scarborough
PO Box 11070

A TRUE COPY

Attest: Larry W. Propes

By: *Greaves*
DEPUTY CLERK

04-12041
MAGISTRATE JUDGE *RBC*

Proceedings include all events.

3:04cv1792 Powers Printing Co v. AGFA Corporation, et al

CLOSED

Columbia, SC 29211
803-799-2000

=====

XPEDX
counter-claimant

Christopher James Daniels
803-256-7500
[COR LD NTC]
Anthony C Hayes
803-256-7500
[COR LD NTC]
Nelson Mullins Riley and
Scarborough
PO Box 11070
Columbia, SC 29211
803-799-2000

v.

POWERS PRINTING COMPANY INC
counter-defendant

Robert Covington Kelly
[COR LD NTC]
PO Box 7037
Columbia, SC 29202
803-253-3615

Edwin Russell Jeter
803-765-0619
[COR LD NTC]
Jeter and Williams
PO Box 7425
Columbia, SC 29202
803-765-0600

=====

AGFA CORPORATION
counter-claimant

Angus H Macaulay, Jr
803-253-8277
[COR LD NTC]
Jamie Hedgepath
803-253-8277
[COR LD NTC]
Nexsen Pruet Jacobs and Pollard
PO Drawer 2426
Columbia, SC 29202
803-771-8900

v.

Proceedings include all events.

3:04cv1792 Powers Printing Co v. AGFA Corporation, et al

CLOSED

POWERS PRINTING COMPANY INC
counter-defendant

Robert Covington Kelly
[COR LD NTC]
PO Box 7037
Columbia, SC 29202
803-253-3615

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Jeter and Williams
PO Box 7425
Columbia, SC 29202
803-765-0600

Proceedings include all events.

3:04cv1792 Powers Printing Co v. AGFA Corporation, et al

CLOSED

Powers Printing Company Inc

plaintiff

v.

AGFA Corporation; XPEDX

defendant

=====

XPEDX;

counter-claimant

Powers Printing Company Inc

counter-defendant

=====

AGFA Corporation;

counter-claimant

Powers Printing Company Inc

counter-defendant

Proceedings include all events.

3:04cv1792 Powers Printing Co v. AGFA Corporation, et al

CLOSED

6/7/04	1	NOTICE OF REMOVAL with state court summons and complaint attached; FILING FEE \$ 150.00 RECEIPT # 3982 (affidavit of Anthony C Hayes consenting to removal on behalf of defendant EXPEDX attached) (gpea) [Entry date 06/08/04]
6/7/04	2	ANSWER to Local Rule 26 Interrogatories by defendant AGFA Corporation (gpea) [Entry date 06/08/04]
6/10/04	3	Notice of acknowledgment of receipt of Notice of Removal by Clerk of Court for Richland County. (gpea) [Entry date 06/14/04]
6/15/04	4	ANSWER to Local Rule 26 Interrogatories by defendant XPEDX (gpea) [Entry date 06/16/04]
6/21/04	5	CONSENT ORDER extending time to answer complaint until 7/12/04 (signed by Judge Cameron M. Currie) EOD 6/21/04 (gpea)
6/22/04	6	CONSENT ORDER extending time for defendant XPEDX to answer plaintiff's complaint until 7/12/04 (signed by Judge Cameron M. Currie (gpea) [Entry date 06/23/04]
7/12/04	7	ANSWER to Complaint and COUNTERCLAIM by defendant XPEDX against plaintiff Powers Printing Co; jury demand (gpea) [Entry date 07/13/04]
7/12/04	8	ANSWER to Complaint and COUNTERCLAIM by defendant AGFA Corporation against plaintiff Powers Printing Co (gpea) [Entry date 07/13/04]
7/12/04	9	MOTION by defendant AGFA Corporation to transfer case (gpea) [Entry date 07/13/04]
7/12/04	10	MEMORANDUM by defendant AGFA Corporation in support of [9-1] motion to transfer case (gpea) [Entry date 07/13/04]
7/13/04	11	CONFERENCE AND SCHEDULING ORDER setting 26(f) Conference no later than 8/2/04 ; 26(a) Initial Disclosures served by 8/16/04 ; 26(f) Report filed by 8/16/04 ; Joining of parties,amending of pleadings on 10/12/04 ; Plaintiff's ID of Experts set for 11/9/04 ; Defendant's ID of Experts set for 12/9/04 ; Records Custodian Affidavit filed by 12/9/04 ; Discovery cutoff 2/7/05 ; Deadline for filing of all motions 2/22/05 ; 26(a)3 Pretrial Disclosures filed by 5/9/05 ; Jury Selection deadline set for 7/5/05 ; (signed by Judge Cameron M. Currie) eod 7/13/04 (gpea)
7/21/04	12	ANSWER to Local Rule 26 Interrogatories by plaintiff Powers Printing Co; jury demand (gpea)
7/26/04	13	CONSENT ORDER extending time for Plaintiff's to respond to motion to transfer venue until 8/11/04 (signed by Judge Cameron M. Currie (gpea) [Entry date 07/27/04]

Proceedings include all events.

3:04cv1792 Powers Printing Co v. AGFA Corporation, et al

CLOSED

8/2/04	14	REPLY by plaintiff Powers Printing Co to [7-2] counter claim of XPEDX (gpea) [Entry date 08/03/04]
8/2/04	15	REPLY by plaintiff Powers Printing Co to [8-2] counter claim of AGFA Corp (gpea) [Entry date 08/03/04]
8/17/04	16	CONSENT ORDER extending time to respond to motion to transfer venue until 8/17/04 (signed by Judge Cameron M. Currie) (gpea) [Entry date 08/18/04]
8/17/04	17	ORDER extending time until 8/20/04 to file 26(f) Report, Reset 26(f) Report due for 8/20/04 (signed by Judge Cameron M. Currie) (gpea) [Entry date 08/18/04]
8/17/04	18	MEMORANDUM by plaintiff Powers Printing Co in opposition to [9-1] motion to transfer case with original affidavit of Ralph E Mechling attached (gpea) [Entry date 08/18/04]
8/23/04	19	26(f) Report by Powers Printing Co, AGFA Corporation, XPEDX . Parties Agree that Conference and Scheduling Order requires modification as set forth in proposed Amended Scheduling Order. (gpea) [Entry date 08/24/04]
8/23/04	20	26(f) Report by Powers Printing Co, AGFA Corporation, XPEDX with proposed discovery plan and 26.03 Interrogatories. (gpea) [Entry date 08/24/04]
8/25/04	21	CONSENT ORDER extending time for AGFA to reply to Plaintiff's opposition to Motion to Transfer Venue until 8/30/04 (signed by Judge Cameron M. Currie) (gpea) [Entry date 08/26/04]
8/25/04	22	AMENDED SCHEDULING ORDER setting Joining of parties, amending of pleadings on 11/12/04 ; Plaintiff's ID of Experts set for 12/10/04 ; Defendant's ID of Experts set for 1/14/05 ; Records Custodian Affidavit filed by 1/7/05 ; Discovery cutoff 3/11/05 ; Deadline for filing of all motions 3/25/05 ; 26(a)3 Pretrial Disclosures filed by 6/10/05 ; Jury Selection deadline set for 8/5/05 ; (signed by Judge Cameron M. Currie) (gpea) [Entry date 08/26/04]
8/30/04	23	REPLY by defendant AGFA Corporation to response to [9-1] motion to transfer case (gpea) [Entry date 08/31/04]
9/1/04	24	AFFIDAVIT of Teresa Oakley by defendant AGFA Corporation Re: [23-1] response reply (gpea) [Entry date 09/02/04]
9/7/04	25	ORDER granting [9-1] motion to transfer case (signed by Judge Cameron M. Currie) (gpea) [Entry date 09/08/04]
9/7/04	--	Interdistrict transfer to Eastern District of Massachusetts (gpea) [Entry date 09/08/04]